

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

MARY LOU PETT; KATHLEEN FICK-
GEE; DIANE BRYCE; PATTI
DELVALLE; MICHELE HOLCOMB;
KIM READUS; ALICE REESE; ERIKA
VAN ALLER; and LINDA WHITE,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

PUBLISHERS CLEARING HOUSE,
INC.,

Defendant.

Civil Action No. 2:22-CV-11389-DPH-
EAS

**STIPULATION TO CONTINUE
DEFENDANT’S RESPONSIVE
PLEADING DEADLINE**

Complaint Filed: June 22, 2022
Complaint Served: June 30, 2022

Plaintiff Mary Lou Pett, Kathleen Fick-Gee, Diane Bryce, Patti DelValle, Michele Holcomb, Kim Readus, Alice Reese, Erika Van Aller, and Linda White (collectively, “Plaintiffs”) and Defendant Publishers Clearing House, LLC¹ (“PCH” and, together with Plaintiffs, the “Parties”) hereby file this stipulation seeking an order from the Court continuing PCH’s answer deadline by ten days, from June 20, 2023 to June 30, 2023 (“Stipulation”). Good cause exists to grant this Stipulation based on the following facts:

¹ Erroneously sued as Publishers Clearing House, Inc.

1. On June 22, 2022, Pett filed in the United States District Court for the Eastern District of Michigan a class action complaint against PCH (“Complaint”), alleging that PCH violated Michigan’s Preservation of Personal Privacy Act (“PPPA”). [Dkt. No. 1.]

2. Following Pett’s filing of her Complaint, PCH investigated Pett’s cause of action and her allegations in support of same. The Parties met and conferred on the results of that investigation.

3. In light of that meet-and-confer process, the Parties filed on July 21, 2022 a stipulation to continue PCH’s responsive pleading deadline by 29 days. [Dkt. No. 8.] The Court granted the stipulation on July 25, 2022, making PCH’s responsive pleading deadline August 19, 2022. [Dkt. No. 13.]

4. Thereafter, Pett identified an additional seven individuals who Pett believed may have a claim against PCH under the PPPA.

5. Pett then sent to PCH a draft of her First Amended Class Action Complaint (“FAC”), requesting that PCH stipulate to its filing.

6. PCH agreed to Pett filing her FAC, and on September 15, 2022, the Parties filed a stipulation (1) to allow Pett to file the FAC on or before September 19, 2022 and (2) to set PCH’s deadline to respond to the FAC on October 19, 2022. [Dkt. No. 17.]

7. Plaintiffs filed the FAC on September 19, 2022 [Dkt. No. 18], and the Court granted the stipulation on September 21, 2022, setting PCH's responsive deadline on October 19, 2022, [Dkt. No. 19].

8. On October 19, 2022, PCH filed its Motion to Dismiss the FAC. [Dkt. No. 20.]

9. On November 8, 2022—the date Plaintiffs' opposition to PCH's Motion to Dismiss was due—Plaintiffs filed their Second Amended Class Action Complaint (“SAC”). [Dkt. No. 22.]

10. On November 16, 2022, the Parties filed a stipulation to continue PCH's responsive pleading deadline to December 6, 2023, [Dkt. No. 23], which the Court granted on the same day it was filed, [Dkt. No. 24.]

11. On December 6, 2022, PCH filed its Motion to Dismiss Plaintiffs' SAC. [Dkt. No. 25.]

12. The motion to dismiss was fully briefed, with Plaintiffs filing their Opposition on December 27, 2023, [Dkt. No. 27], and PCH filing its reply on January 10, 2023, [Dkt. No. 28].

13. On May 23, 2023, the Court issued its ruling on PCH's Motion to Dismiss, granting it in part and denying it in part. [Dkt. No. 44.]

14. Based on the date of that order, PCH's deadline to file its Answer was June 6, 2023.

15. Although PCH worked diligently to complete by June 6, 2023 its Answer to Plaintiffs' SAC, PCH needed some additional time to complete its investigation into Plaintiffs' allegations.

16. As such, PCH reached out to Plaintiffs to determine if Plaintiffs would agree to a short, two-week extension of PCH's deadline to file its Answer, from June 6, 2023 to June 20, 2023.

17. Counsel for Plaintiffs graciously agreed to the requested extension.

18. On June 2, 2023, the Parties filed a Stipulation to Continue PCH's responsive pleading deadline to June 20, 2023, [Dkt. No. 46], which the Court granted on June 8, 2023, [Dkt. No. 48.]

19. On June 6, 2023, Plaintiffs filed a Motion for Reconsideration of a Non-Final Order Granting in Part PCH's Motion to Dismiss. [Dkt. No. 47.] In that motion, Plaintiffs asked the Court to reconsider its order dismissing claims "with respect to any third parties because such third-parties are not specifically identified and are merely speculative" and limiting discovery "to only the named Plaintiffs." [Id.]

20. Pursuant to Local Rule 7.1(h)(3), PCH is not permitted to file a response to Plaintiffs' motion "unless the Court orders otherwise."

21. In light of the pending motion for reconsideration and to accommodate client schedules, counsel for PCH reached out to counsel for Plaintiffs to request that

Plaintiffs stipulate to a ten-day extension of PCH's responsive pleading deadline, continuing the deadline from June 20, 2023 to June 30, 2023.

22. Plaintiffs' graciously agreed.

23. The extension requested herein will have no impact on any date set by the Court, including the upcoming July 17, 2023 in-person Scheduling Conference.

24. Therefore, the Parties respectfully request that the Court grant this Stipulation and enter an order setting PCH's deadline to file its Answer for Jun 30, 2023.

IT IS SO STIPULATED.

Dated: June 19, 2023

Respectfully submitted,

By: s/ Frank S. Hedin

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Counsel for Plaintiff and the Putative Class

Dated: June 19, 2023

By: s/ Matthew D. Pearson

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Attorneys for Defendant
PUBLISHERS CLEARING HOUSE, INC.

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2023, I caused to be electronically filed the foregoing **STIPULATION TO CONTINUE DEFENDANT'S RESPONSIVE PLEADING DEADLINE** using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Matthew D. Pearson
Matthew D. Pearson